

# REGULATORY COMMITTEE

Minutes of the meeting held on Wednesday, 9 August 2006, in the Town Hall, Royal Leamington Spa at 2pm.

**PRESENT:** Councillor Mrs Goode (Chair); Councillors Mrs Bunker, Butler, Coker, Evans, Kinson, Harris, and Kundi

Councillor Kinson substituted for Councillor Doody and Councillor Evans substituted for Councillor Mrs Knight

## 311. DECLARATIONS OF INTEREST

### Minute Number 313 – Application for Hackney Carriage Drivers Licence

Councillor Mrs Bunker declared a personal interest as the applicant's, representative was known to her.

### Minute Number 316 – Private Hire Driver with convictions

Councillors Mrs Bunker, Butler, Evans, Mrs Goode, Kinson, Harris, and Kundi declared personal interests as the applicant's representative was a fellow councillor.

## 312. PUBLIC AND PRESS

**RESOLVED** that under Section 100A of the Local Government Act 1972 the public and press be excluded from the meeting for the following two items by reason of the likely disclosure of exempt information within paragraph 1 of Schedule 12A of the Local Government Act 1972.

## 313. HACKNEY CARRIAGE DRIVER WITH CONVICTIONS

A report from Members' Services was submitted on the holder of a hackney carriage drivers licence who it was now found had convictions recorded against him.

Mr DY - Date of birth 31.10.74 - had held a hackney carriage drivers licence since 2002. When he applied for the licence he answered 'NONE' to the question "Have you ever been convicted of any offence or received an official caution (whether or not in connection with road traffic)? If so give details including fines or other penalties imposed" The Criminal Records Bureau's disclosure at that time did not reveal any convictions. His licence was renewed on 16<sup>th</sup> October 2005. His CRB form, which was received on 25<sup>th</sup> November 2005 again showed no offences. On 29<sup>th</sup> November 2005 a letter was received from CRB stating that the disclosure sent out was "inaccurate" and should be destroyed.

A further disclosure was received on 13<sup>th</sup> July 2006 showing a number of offences. Details of the convictions were set out in the report.

## **REGULATORY COMMITTEE (Continued)**

At its meeting held in May 1992 the Licensing Sub-Committee had agreed guidelines relating to the relevance of convictions. A copy of the guidelines was circulated with the agenda.

Mr DY attended the meeting, addressed the Committee and answered questions from members. He was then invited to sum which he did. He then left the room whilst the Committee made a decision.

The Committee received advice from officers, including advice on the provisions of the Human Rights Act 1998.

### **RESOLVED** that

- (1) in light of the information presented, Mr DY's hackney carriage drivers licence be revoked; and
- (2) the officers write to the Criminal Records Bureau expressing the Committee's concern at the delay in revealing the convictions recorded against Mr DY.

Mr DY was then invited back into the meeting and informed of the decision and his right to appeal to the Magistrates.

(Councillor Coker left the meeting)

### **314. APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE**

A report from Members' Services was submitted regarding an application for a hackney carriage drivers licence where the applicant's driving licence revealed convictions.

Authority had been delegated to the Officers to approve or refuse applications for driver licences depending on previous convictions or endorsements. If an application were refused by the Officers the applicant was invited to appeal to the Committee. At its meeting held in May 1992 the Licensing Sub-Committee had agreed guidelines relating to the relevance of convictions. A copy of the guidelines was circulated with the agenda.

Details of the offences shown on Mr AH's (date of birth 16.5.74) driving licence were set out in the report.

Mr AH attended the meeting, together with his father, addressed the Committee and answered questions from members. Mr AH was then invited to sum up which he did. He and his father then left the room whilst the Committee made a decision.

The Committee received advice from the Officers. Reference was made to the Committee's decision to require all applicants for hackney carriage and private hire driver's licences to pass the Driving Standard Agency's hackney carriage/private hire assessment test as from 1 July 2006. Mr AH had submitted his application before 1 July 2006.

## **REGULATORY COMMITTEE (Continued)**

**RESOLVED** that in view of the nature of the convictions revealed the application from Mr H be approved subject to him passing the Driving Standard Agency's hackney carriage/private hire assessment test.

Mr AH and his father were then invited back into the meeting and informed of the decision.

### **315. PRIVATE HIRE DRIVER WITH CONVICTIONS**

A report from Members' Services was submitted on convictions revealed on the driving licence of the holder of a private hire drivers licence.

Details of the convictions recorded against Mr BB (date of birth 21.4.68) who held a private hire drivers licence were set out in the report. Mr BB did not report the convictions when they occurred as he was required to do under the terms of his licence.

At its meeting held in May 1992 the Licensing Sub-Committee had agreed guidelines relating to the relevance of convictions. A copy of the guidelines was circulated with the agenda.

Mr BB attended the meeting, addressed the Committee and answered questions from members. Mr BB was then invited to sum up, which he did. He then left the room whilst the Committee made a decision.

The Committee received advice from the Officers.

**RESOLVED** that no action be taken to revoke or suspend Mr BB's licence but that he be warned as to his future conduct and reminded of the terms of his licence which requires him to report convictions to the Council.

Mr B was then invited back into the meeting and informed of the decision.

### **316. PRIVATE HIRE DRIVER WITH CONVICTIONS**

A report from Members' Services was submitted on a caution which was revealed in a recent CRB check on the holder of a private hire drivers licence.

Details of the caution recorded against Mr PAH (date of birth 12.6.47) who held a private hire drivers licence were set out in the report.

At its meeting held in May 1992 the Licensing Sub-Committee had agreed guidelines relating to the relevance of convictions. A copy of the guidelines was circulated with the agenda.

Mr PAH attended the meeting, with his local district councillor. Mr PAH and his local councillor addressed the Committee and answered questions from members. He explained that he did not realise that he had to report a caution, as opposed to a conviction, to the Council. Mr PAH was then invited to sum up,

## **REGULATORY COMMITTEE (Continued)**

which he did. Mr PAH and his local councillor then left the room whilst the Committee made a decision.

The Committee received advice from the Officers.

**RESOLVED** that no action be taken to revoke or suspend Mr PAH's licence but he be reminded of the terms of his licence which requires him to report cautions and convictions to the Council.

Mr PAH was then invited back into the meeting and informed of the decision.

(The meeting ended at 4.10 pm)

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